



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

Website: www.dlt.ri.gov/lrb

OPEN MINUTES **BOARD MEETING**

TIME: 9:00 a.m.
DATE: Tuesday, May 21, 2009
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE:

Walter J. Lanni, Chairman
Frank Montanaro
John R. Capobianco
Elizabeth Dolan
Ellen Jordan
Gerald Goldstein

OTHERS PRESENT:

Robyn H. Golden, Administrator
Lisa L. Ribezzo, Labor Board Case Agent
Margaret L. Hogan, Esq.

Chairman Lanni called the meeting to order in Open Session at 9:15 a.m.

All Board Members reviewed the Open Minutes of the April 21, 2009 Board Meeting. A Motion was made by John Capobianco and seconded by Frank Montanaro to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members to accept the minutes as written.

The meeting continued in open session:

UNIT CLARIFICATION CASES:

1. Case No. EE- 3575
State of RI – Department of Health & NEARI (Senior Public Health Epidemiologist)

After review of the Investigator's report, a Motion was made by Frank Montanaro and seconded by John Capobianco to accept the Investigator's report as written; thus, to **preliminarily accrete** the four (4) position(s) of **Senior Public Health Epidemiologist**, into the bargaining unit defined in Case No. EE-3575. After discussion, all Board Members voted in favor of the Motion. Motion passed.

Telephone: (401) 462-8830

Fax: (401) 462-8776

TDD: (401) 462-8006

An Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.

2. Case No. EE- 3575
State of RI – Department of Health & NEARI (Health Program Administrator)

After review of the Investigator's report, a Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to accept the Investigator's report as written; thus, to **preliminarily accrete** two (2) position(s) of **Health Program Administrator**, excluding the position held within the Department of Health – Community Family Health and Equity Division, Executive Staff, into the bargaining unit defined in Case No. EE-3575. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONSENT AGREEMENT AND AFFIDAVIT CASES:

1. Case No. EE- 3365
State of RI – Judiciary – Supreme Court & RI Laborers' District Council, Local 808

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to acknowledge and accept the parties' signed agreement; that the position(s) of **Senior Management Analyst**, shall be and is hereby **accreted** to the bargaining unit as defined by Certification No. EE-3365. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP- 5853/5854
Warwick School Committee & Warwick Independent School Employees'
Union (WISE)

Walter Lanni, Ellen Jordan, Elizabeth Dolan, John Capobianco, and Gerald Goldstein heard this matter formally. Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to dismiss the Complaint; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion Gerald Goldstein voted in favor of the Motion. Walter Lanni, Frank Montanaro, and John Capobianco voted in opposition to the Motion. Motion failed.

DRAFTED DECISION AND ORDERS:

1. Case No. ULP- 5896
City of Warwick & RI Laborers' District Council 94, Local 1033

A Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. ULP- 5872
State of Rhode Island – Department of Health & NEARI

A Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. ULP- 5901
Newport School Department & RI Council 94, AFSCME, AFL-CIO

A Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

Ellen Jordan made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges, Miscellaneous Matters, and the Minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. Elizabeth Dolan seconded the Motion and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:35 a.m.

The meeting resumed in open session at 10:40 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 5960
State of RI – Department of Corrections & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP- 5963
Board of Governors for Higher Education - URI & URI/AAUP Part-Time Faculty
United (PTFU)

DETERMINATION: issue a Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Appointment of Legal Counsel - 7-1-08 to 6-30-09

DETERMINATION: that Margaret Hogan, Esquire, has been reappointed as the Board's Legal Counsel for Fiscal Year July 1, 2009 to June 30, 2010.

2. Case No. ULP- 5939
Warwick School Committee & Warwick Independent School Employees' Union
(WISE)

DETERMINATION: motion to dismiss.

A Motion to adjourn was made by John Capobianco and seconded by Ellen Jordan, and it was unanimously,

VOTED: to adjourn the meeting at 10:45 a.m.